

claims, as originally presented, are patentably distinct over the prior art cited by the Examiner. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 USC sections 101, 102, or 103. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants gratefully acknowledge the indication that claim 17 is allowed.

Claims 1-16, 18, and 21-26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable Voeten in view of Nakamura. This rejection is respectfully traversed.

The Examiner conceded that Voeten “fails to disclose the claimed managing means [for managing] the distribution of the information data in accordance with a predetermined number representing a threshold for a relationship between the information data and a number of at least one end user device.” To cure this deficiency of Voeten, the Examiner apparently relied upon Nakamura to disclose “stopping transmission of new information if the number of transmission requests increases to prevent exceeding the capacity of the memory.” The Examiner, thus, concluded that it would have been obvious to prevent overloading a system by stopping transmission if a number of requests becomes too great.

Claim 1 recites, in part, “the managing means manages the distribution of the information data from one or more of said storage medium units to an appropriate one or more of the end user device(s) in accordance with a predetermined number representing a number of said one or more end user devices such that the number of storage medium units utilized is increased when the number of end user device(s) exceeds the predetermined number.” (Emphasis added)

Accordingly, the number of storage medium units utilized may be increased when a predetermined number of end user devices (which may select a program) is exceeded. As such, the system of claim 1 may not stop the distribution of data from a storage medium unit or units

to an end user device or devices when the number of end user devices (which may select a program) exceeds a predetermined number. Instead, in this situation, the system of claim 1 may increase the number of storage medium units. On the other hand, Nakamura, as applied by the Examiner, appears to merely disclose stopping transmission when the capacity of a memory is exceeded. It, therefore, does not appear to describe or even suggest managing the distribution of data "such that the number of storage medium units utilized is increased when the number of end user device(s) exceeds the predetermined number," as recited in claim 1.

Accordingly, even assuming, arguendo, that the Examiner's combination of Voeten and Nakamura is valid, such combination as applied by the Examiner does not appear to teach or suggest the above-quoted limitation of claim 1. It is, therefore, respectfully submitted that claim 1, together with claims 2-16, 18, and 21-26 dependent therefrom, is patentable over Voeten and Nakamura as applied by the Examiner.

Claims 27-29 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Voeten.

Regarding claim 27, the Examiner conceded in the Office Action on page 9 that Voeten fails to disclose the claimed limitation of "generating backup control data when one storage medium is malfunctioning, wherein another of the storage medium unit is utilized for supplying the selected information data in accordance with the generated backup control data." The Examiner further conceded that Voeten fails to disclose limitations recited in claims 28 and 29. See pages 9-10 of the Office Action. To cure the defects in Voeten, the Examiner did not rely on any other reference but stated generally that Official Notice was taken.

Section 2144.03 of the MPEP states:

The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art. The examiner

may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art.

...

If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.

...

When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons. See 37 CFR 1.104(d)(2).

...

A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution...

37 CFR 1.104(d)(2) states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

(v) Since the Examiner is basing a portion of his rejection of claims 27-29 on Official Notice, applicants respectfully request that the Examiner supply an affidavit as required by 37 CFR 1.104(d)(2). If the Examiner refuses to supply an affidavit in support thereof, applicants respectfully request that the Examiner cite a reference in support of his position as required by MPEP Section 2144.03. If the Examiner does not do these things, withdrawal of the rejection is respectfully requested.

The Examiner rejected claims 19, 20, and 30 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Voeten in view of Arman. Claim 30 has been cancelled. The Examiner's rejection of claims 19 and 20 is respectfully traversed.

Claim 19 recites, in part, "wherein said managing means selects a special play mode for supplying an altered sequence of scenes to the at least one end user device by switching channels for supplying the data information to the at least one end user device." (Emphasis added)

Claim 20, recites, in part, "wherein said managing means selects a special play mode for supplying a mosaic of scenes to the at least one end user device by selecting scenes from different channels." (Emphasis added)

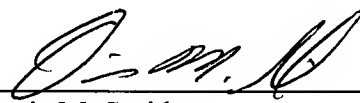
Applicants respectfully submit that the portions of Voeten and Arman as combined by the Examiner do not appear to teach or suggest the above-quoted limitations of claims 19 and 20. Thus, it is submitted that claims 19 and 20 are patentable over the portions of Voeten and Arman, as applied by the Examiner.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

It is respectfully submitted that all pending claims are in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Please amend claims 1, 19, 20, and 27 as follows:

--1. (Four Times Amended) A system for serving information data over one or more channels to one or more end user devices, comprising:

[one or more] a plurality of storage medium units for storing information data;

managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means receives demand data relating to information data selected through at least one respective end user device, and wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for said at least one end user device; and

routing means for connecting the one or more storage medium units to the at least one end user device, and for routing the selected information data from the storage medium units and the distribution control data from the managing means, wherein

the managing means manages the distribution of the information data from one or more of said storage medium units to an appropriate one or more of the end user device(s) in accordance with a predetermined number representing [a threshold for a relationship between the information data and] a number of said [at least] one or more end user devices such that the number of storage medium units utilized is increased when the number of end user device(s) exceeds the predetermined number.

19. (Twice Amended) A[n information server system according to claim 30,] system for serving information data over one or more channels to one or more end user devices, comprising:  
one or more storage medium units for storing information data;

managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means receives demand data relating to information data selected through at least one respective end user device, and wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for said at least one end user device; and

routing means for connecting the one or more storage medium units to the at least one end user device, and for routing the selected information data from the storage medium units and the distribution control data from the managing means,

wherein said [controller] managing means selects [the] a special play mode for supplying an altered sequence of scenes to the at least one end user device by switching [said] channels [thereby altering a sequence of scenes] for supplying the data information to the at least one end user device.

~~20.~~ (Twice Amended) A[n information server system according to claim 30,] system for serving information data over one or more channels to one or more end user devices, comprising:

one or more storage medium units for storing information data;

managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means receives demand data relating to information data selected through at least one respective end user device, and wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for said at least one end user device; and

routing means for connecting the one or more storage medium units to the at least one end user device, and for routing the selected information data from the storage medium units and the distribution control data from the managing means,

wherein said [controller] managing means selects [the] a special play mode for supplying a mosaic of scenes to the at least one end user device by selecting scenes from different channels [to form the mosaic of scenes].

27. (Three Times Amended) A system for serving information data over one or more channels to one or more end user devices, comprising:

one or more storage medium units for storing information data;

managing means for managing distribution of the information data to any one of the end user devices, wherein the managing means receives demand data relating to information data selected through at least one respective end user device, and wherein the managing means outputs distribution control data including channel information of the selected information data and routing information for said at least one end user device; and

routing means for connecting the one or more storage medium units to the at least one end user device, and for routing the selected information data from the one or more storage medium units and the distribution control data from the managing means[; and means for generating], wherein

said distribution control data further includes backup control data for assigning one of said one or more storage medium units to supply the selected information data when [one] another of said one or more storage medium units for supplying the selected information data is malfunctioning[, wherein another of the storage medium units is utilized for supplying the selected information data in accordance with the generated backup control data].--

Please cancel claim 30.